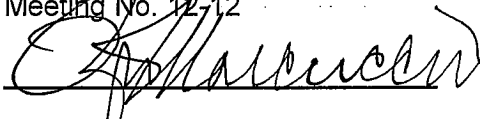
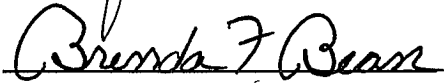


APPROVED: Meeting No. 12-12

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

October 3, 2011

7:00 p.m.

Meeting No. 28-11

PRESENT:

Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Donnell Newton, and Councilmember Mark Pierzchala

STAFF PRESENT:

City Manager Scott Ullery, City Attorney Debra Daniel and Acting City Clerk Brenda Bean

1. Convene

The Mayor and Council convened on October 3, 2010 at 7:00 pm in the Mayor and Council Chambers, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850.

2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

3. Agenda Review

Acting City Clerk Brenda Bean reported that there were no changes to the agenda.

4. City Manager's Report

City Manager Ullery reported:

- 1) The CIP hearing on Richard Montgomery and other Rockville clusters is scheduled for November 14, 2011 at 7:00 pm.
- 2) The Rockville Chancel 11 recently won three national awards from NATOA
- 3) Assistant City Manager Jenny Kimball said that the new Rockville University class is underway and she reminded those who have not yet registered for the upcoming Rockville Summit to be sure to do so.

Councilmember Britton said that the Summit is only the beginning and that task forces will be established based on the outcome of the Summit discussion. He asked that staff be sure to

invite the Mayor and Council of Gaithersburg, the County Executive and Council, as well as our District 17 Delegation.

5. Town Center Update Agenda Item: - Presentation

Assistant City Manager Jenny Kimball reported:

- 1) The new Rockville University class is underway
- 2) The Rockville Summit is still open for registration and she reminded those who have not yet registered to be sure to do so.
- 3) Federal Realty is celebrating many activities in the Square during the month of October.
- 4) Federal Realty is planning to open an ice rink in Town Square mid-November.

Regarding the upcoming Summit, Councilmember Pierzchala said he was impressed with the number of registered participants thus far and that it should be an outstanding event. There was discussion on the new validation parking system in Town Square and that the new system seemed to be working well.

6. Citizen's Forum

Citizen

Issue

Gloria Poole	Football game between Wheaton and RMHS honoring Coach Roy Lester and other old time football stars from back in the day.
Fred Donnell Newton	Questions raised to Councilmember Donnell Newton by Ms. Patricia Woodward concerning the home at 408 Great Falls Road.
Ray Whalen	Ms. Woodward's comments regarding the home at 408 Great Falls Road.
Harry Thomas	Fire Prevention Month; time to change batteries in smoke detectors.
James Little	Earthquake caused a small amount of damage to the floor in his home.

7. Mayor and Council's Response to Citizen's Forum and Announcements

The following members of the Mayor and Council responded to comments made during Citizens' Forum: Mayor Marcuccio and Councilmember Gajewski.

8. Announcement of Vacancies

Mayor Marcuccio announced vacancies on the following Boards and Commissions: Animal Matters Board, Board of Appeals, Board of Supervisors of Elections, Compensation Commission, Cultural Arts Commission, Human Rights Commission, Human Services Advisory Commission, Landlord Tenant Affairs Commission, Sign Review Board, and the Traffic and Transportation Commission.

9. Consent Agenda

- A) Health Insurance Plan Replacement Agenda Item: Award
- B) Reallocation of funding from the City's housing rehabilitation program to Rockville Housing Enterprises within Year 35/36 of the Community Development Block Grant (CDBG). Agenda Item: Approval
- C) Adoption of Resolution to designate Acting City Clerk, Brenda F. Bean, as the Resident Agent for the Mayor and Council of Rockville.

Motion: To approve Consent Agenda.

Moved by Councilmember Piotr Gajewski, duly seconded by Councilmember Donnell Newton and unanimously passed.

10. Presentation and adoption of the Draft Culture and Entertainment Plan Agenda Item

Betsy Thompson presented a brief staff report stating that the Plan is a culmination of two years of discussions. Ms. Thompson provided information on the purpose of the plan, the planning process, and the recommendations. She thanked those members of the committee who met during the year. Ms. Thompson recognized the fine work of the consultant and then introduced John Moser, Chair of the Cultural Arts Commission who gave the report on behalf of the Commission. Mr. Moser said that this project has been a labor of love and he was pleased with the work of the committee. He expressed special gratitude to Assistant City Manager Jenny Kimball who had a big impact on the outcome.

Ms. Thompson then introduced Hollis Minor, the consultant, who said that the plan is a result of a two year comprehensive planning process. Ms. Minor said that the plan defines specific goals and objectives for the Rockville community to become better established as a culture and entertainment destination. She described how the goals and objectives were set and talked about the history of the Plan leading up to this point.

Councilmember Pierzchala thanked Ms. Minor for coming two weeks in a row. He said that the City does not have a whole lot of money at the moment to implement some of the initiatives and that public/private partnerships will be key.

Councilmember Britton said that this is more like a master plan and the details would be filled in as we go forward. He also thanked Ms. Minor for a job well done. The Plan addresses, nicely, things that need to be done in order to make Rockville a destination. Councilmember Britton said that culture, the arts and entertainment enhance economic vitality in a community and that people want to live in a community where there are arts. The Plan does an excellent job of tying those components together and will help us in the future.

Councilmember Donnell Newton said that the Plan will greatly enhance the Rockville quality of life as well as businesses in the community. She noted her concern with the phrase "the most powerful city" and would prefer that to read: "one of the most powerful cities."

Mayor Marcuccio said that she was glad to see that the Plan recognizes the great diversity of Rockville and the fact that we have a terrific science base. She echoed the gratitude expressed by others to Ms. Minor for a job well done.

Councilmember Gajewski said that he is very much in support of the Plan and that the arts are a vital part of economic development in the City. Councilmember Gajewski mentioned the work of the previous Mayor, Susan Hoffmann, on this subject and said she was a terrific champion for the arts.

Motion: to adopt the Culture and Entertainment Plan Strategic Goals and Objectives, dated October 3, 2011, as the Culture and Entertainment Plan for the City of Rockville.

Moved by Councilmember Britton, duly seconded by Councilmember Donnell Newton and unanimously passed.

11. Presentation of finalists' proposals for the Rockville Senior Center

Burt Hall provided the staff report of the presentation of finalists' proposals for the Rockville Senior Center, stating that the Mayor and Council approved funding and implementation of this project as part of the Art in Public Architecture program in the FY 2011 operating budget. Mr. Moser, Chair of the Cultural Arts Commission, described the artwork presented by the finalists for the project. He said that, based on the recommendations of the Artist Nominating Committee and the Cultural Arts Commission, staff recommends that the Mayor and Council approve the award to Harry McDaniel of Asheville, North Carolina in the amount of \$35,000 for his kinetic sculpture.

Mayor Marcuccio said that she is not in favor of this project. Councilmember Donnell Newton expressed concerns about spending money on artwork that will not last a lifetime. She thought it might be wise to spend funds on something permanent such as refurbishing the mural for the new Police headquarters and some of the initiatives laid out in the Cultural Arts Plan. Councilmember Gajewski said that this discussion should have occurred before the request for proposals went out and is in favor of going forward with this piece of art.

Upon motion moved by Councilmember Mark Pierzchala, duly seconded by Councilmember Piotr Gajewski, the award to Harry McDaniel of Asheville, North Carolina in the amount of \$35,000 for his kinetic sculpture to be placed at the Rockville Senior Center, was approved. Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Donnell Newton, and Councilmember Mark Pierzchala approved. Mayor Phyllis Marcuccio opposed.

12. Presentation of Finalists' Proposals for Gude Drive Maintenance Facility Art Project

Burt Hall provided the staff report of the presentation of finalists' proposals for the Gude Drive Maintenance Facility Art Project and John Moser presented the recommendations of the Nomination Committee. He described the pieces of art that were submitted and said the Artist Nomination Committee recommended that artwork of David Hess (stainless steel sculpture).

Councilmember Gajewski asked if there was any dissent among the Nomination Committee on the piece of art that is being recommended and Mr. Moser said that the two City staff members had abstained from the vote.

Motion: to approve the award to David Hess of Phoenix, Maryland in the amount of \$50,000 for his sculpture to be placed at the Gude Drive Maintenance Facility.

Moved by Councilmember Pierzchala. There was no second and the motion was lost.

Councilmember Pierzchala asked if this project could go back out for bidding. Councilmember Gajewski said that he had concerns with the abstentions from the two staff individuals that were on the nominating committee and does not wish to bid this project again until he knows what their concerns are. Councilmember Donnell Newton and Councilmember Britton echoed Councilmember Gajewski's concerns and would also like to have information from the two staff individuals with respect to this project. Regarding the public commentary, Councilmember Britton said that there is an overwhelming negative public reception. There was consensus among the Mayor and Council for staff to provide information from the nominating committee's discussions. Councilmember Gajewski said that because this is being rejected, it might be a good opportunity to reexamine the whole concept and not put out a new RFP until the Mayor and Council can have a discussion on the issue as a whole. There was ensuing discussion on the Art in Public Places ordinance and consequences, if any, by the rejection of this project. Councilmember Gajewski asked the City Attorney if the Mayor and Council could legally instruct staff to put a freeze on RFP's for art projects until the issue is reexamined. Ms. Daniel responded that she would look into that and report back.

13. Presentation of Finalists' Proposals for Rockville City Police Station Art Project - Rejection of All Finalists' Proposals.

Burt Hall provided the staff report of the presentation of the finalists' proposals for Rockville City Police Station Art Project and John Moser presented the results of the selection process and said that the Committee's recommendation is to reject all four proposals. Referencing the refurbishing of the mural in the Police Station, Councilmember Pierzchala asked if that project could count under the Art in Public Places ordinance. Mr. Moser responded that it could qualify but they were looking for something a little more appropriate for the Police Station. There was discussion on the information contained in the RFP's and how much the artists knew about the site, the historic nature of the building, etc. Councilmember Donnell Newton asked if the Police Department had any views or feelings. Sergeant Rawlins responded that the Police Department did not provide the Committee with a recommendation and allowed that it would be nice for the artwork at this site reflect that it is a police station when passing by. Councilmember Gajewski said that this is a particularly challenging site but that it is incumbent upon the artist to do the necessary research and apply their creativity for the project.

Motion: to reject all the finalists' proposals for the Rockville City Police Station Art Project.

Moved by Councilmember Pierzchala, duly seconded by Councilmember Gajewski and unanimously passed.

14. Executive Search Firm - City Manager

Human Resource Director Carlos Vargas presented the staff report and laid out the timeframe. There was discussion on the schedule and Mr. Vargas said that the Mayor and Council can determine their own schedule with the consultant. There was also discussion on the applicable experience of Springsted and the idea of speaking to the Mayor and Council in a joint meeting rather than individual meetings.

Motion: to approve RFP #01-12 for Executive Search Service to Springsted, Incorporated in the amount of \$20,800.

Moved by Councilmember Pierzchala, duly seconded by Councilmember Britton and unanimously passed.

15. City Clerk Position Discussion

Motion: to instruct staff to return with advice on required process and necessary documents to change the position of City Clerk from an appointed position reporting to the Council into a staff position reporting to the City Manager.

Moved by Councilmember Gajewski, duly seconded by Councilmember Pierzchala, with councilmembers Britton, Gajewski, and Pierzchala voting "aye," and Marcuccio, and Councilmember Donnell Newton voting "nay."

Motion Passed: 3 approved - 2 opposed - 0 abstained

In discussion, Councilmember Donnell Newton does not think the Office of the City Clerk should fall under the City Manager. She said having three separate positions is a good balance and provides a good cross section to the Mayor and Council which allows for better perspective. Councilmember Britton said that he has always been in favor of changing the Clerk's position and that tonight's action would be to only have staff come back with options. Mayor Marcuccio is not in favor of the motion stating that the three appointed positions allows for a variety of ways from which decisions are made. It is unusual to look for a way to take authority away from the Mayor and Council and she noted that the City Clerk is also the Treasurer of the City and Mayor Marcuccio does not think it good for the democratic balance. Councilmember Gajewski said that there are a vast number of Maryland municipalities with that structure and Mayor Marcuccio wondered if those that he referred to have land use authority the way Rockville does. Mayor Marcuccio said that Rockville is the County seat and we should not jeopardize the balance in place by placing all the authority under one person. There was consensus to bring this item back after November election.

16. Mayor and Council Liaisons to Boards and Commissions Report

Councilmember Donnell Newton said that she had attended King Farm festival over the weekend and despite the cold, dreary day; she said it was tremendous fun and thanked the residents for the invitation.

17. Review and Comment regarding Future and Tentative Agendas

Regarding the upcoming RedGate RFP, Councilmember Pierzchala had concerns with the 35 minute time allotment. City Manager Ullery said that other items could be pushed back to allow

more time for RedGate. There was consensus to move the RedGate item to the October 17th meeting of the Mayor and Council. Councilmember Britton asked if the Mayor and Council could see the RedGate information prior to briefbook distribution next week and Mr. Ullery responded that he would get the information to them just as soon as it becomes available. Mayor Marcuccio said that she did not think that 45 minutes would be enough time for the joint worksession with the Montgomery County Council. Also, in that regard, Mayor Marcuccio wanted to be sure that the topics of discussion were agreeable with everyone. Councilmember Gajewski requested that the issue of free parking at the library be added to that agenda. Councilmember Donnell Newton mentioned the HUR funding might also be a good topic for the agenda. Because of its direct impact to Rockville, Councilmember Gajewski would also like to discuss County development occurring right outside the city's borders. Councilmember Donnell Newton said that it might be wise to consider quarterly meetings with the Council. Councilmember Pierzchala asked that City staff provide a precise summary on the status of the stormwater management utility fee. Mayor Marcuccio suggested the addition of Montgomery College would also be a good topic of conversation with the County Council.

18. Review & Comment regarding Mayor and Council Action Report

Concerning the Ethics Ordinance, Councilmember Donnell Newton asked the City Attorney if she was able to find a model form. Ms. Daniel responded that she has not been able to locate one but they are hoping to find what other jurisdictions are doing and will get the information together and bring back to the Mayor and Council. Councilmember Donnell Newton asked what follow up, if any, had been done in terms of the tree removal/buffer issue at the Ritchie Center on Ritchie Parkway. Mr. Ullery responded that a tree screening plan was under development right now and it will soon be shared with the affected neighborhoods.

19. Old/New Business

Mayor Marcuccio commented on the Absentee Ballot form from the City's website and said that there were no instructions on where to return the form. Deputy City Clerk Bean responded that the forms had been corrected and are linked together on the web.

20. Adjournment

Motion: to adjourn

There being no further business and upon motion of Motion of Councilmember Donnell Newton, duly seconded by Councilmember Pierzchala and unanimously passed, the meeting adjourned at 9:35 p.m.